IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(SPECIAL ORIGINAL JURISDICTION)

Tuesday, the Twenty Eighth day of September, two thousand and four

Present:

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.19083 OF 2003

Between:

V.Raja Babu S/o Venkataratnam, aged about 29 years, Occ: Conductor, E.No.700657, R/o Post S.Chikkala, Palakollu Mandal, West Godavari District.

…Petitioner

And

The Depot Manager, A.P.S.R.T.C., Narsapuram, West Godavari District.

…Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, particularly one in the nature of Writ of Mandamus, declaring that the proceedings No.Steno.95(60)/2003-NSP, dated 29-08-2003 passed by the respondent by deleting the name of the petitioner from the approved selection list as a measure of penalty and on such deletion caused to be Daily Wage employee as arbitrary, illegal, unjust, contrary to law, in violation of principles of natural justice, without jurisdiction, contrary to the Regulations of the Corporation and also in violation of Articles

14 and 21 of the Constitution of India and grant all consequential benefits.

For the Petitioner: Mr.P.Sridhar Rao, Advocate.

For the Respondents: Mr.R.Manmadha Reddy, SC for APSRTC.

The Court made the following :

ORDER:

The petitioner questions the order dated 29-8-2003 in deleting his name from the approved list/selection list of casual conductors by the respondent.

The petitioner was appointed as a casual conductor on 21-7-1998 by the regularly constituted selection committee. While he was conducting service on 13-7-2003 as a casual conductor of Narsapuram Depot, a check was exercised and found that he failed to issue L.T. tickets to the Milk Can having the unaccompanied luggage permit, which was loaded at Achanta up to Palakol though he has collected the requisite luggage fare of Rs.1/- for the Milk Can at the loading point itself.

It is stated that for certain irregularities committed by the petitioner, a show cause notice was issued to him against the proposed against, asking his explanation and the petitioner has filed his explanation on 27-8-2003, but the explanation was found not satisfactory and by the impugned order, his name was ordered to be deleted from the approved list/selection list.

It is stated that the issue raised in this Writ Petition is squarely covered by the Judgment of this Court in W.P.Nos.4837 of 2003 and 4842 of 2003, dated 29-4-2003. This Court has taken a view that the

termination of the service without following the due procedure of holding departmental enquiry and casting a stigma is unwarranted and as such set aside the similar impugned orders.

Having regard to the facts and circumstances of the case and following the Judgment of this Court in W.P.Nos.4837 and 4842 of 2003, dated 29-4-2003, the impugned order of the respondent in proceedings No. Steno.95(60)/2003-NSP, dated 29-8-2003 is set aside.

The Writ Petition is accordingly allowed. However, it is open for the respondent to proceed against the petitioner in accordance with law. No order as to costs.

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V.ESWARAIAH, J

Date: 28-09-2004

Shr

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupts, the Chief Justice on this **Tuesday the Twenty eighth day of September, two thousand and four.**

Asst. Registrar.

To

1. The Depot Manager, A.P.S.R.T.C., Narsapuram, West Godavari District.
2. Two C.D.Copies.